

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**MIGUEL GASTELO-ARMENTA and
RICARDO A. FERNANDEZ,**

Defendants.

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Case No. 8:09CR92

ORDER

This case is before the court on the defendant's Motion to Compel Testing or Examination of K9 Team (#38). The motion is denied.

Even assuming the court has authority for granting pretrial testing in criminal cases, the facts of this case, specifically that the drug detection canine "Skeen" has been retired as a police service dog, is no longer owned by the city of Omaha, and no longer is trained or works as a police service dog would result in any current evaluation being of no evidentiary value in determining whether "Skeen was reliable and certified on March 13, 2009.

IT IS ORDERED:

1. The defendant's Motion to Compel Testing or Examination of K9 Team (#38) is denied.

Dated this 21st day of September 2009.

BY THE COURT:

S/ F. A. Gossett
United States Magistrate Judge